



2018-01

ORDINANCE

CITY OF BERLIN

In the year of our Lord Two Thousand Eighteen

AN ORDINANCE amending the CODE OF ORDINANCES, Chapter 9, LICENSING, ARTICLE V. PEDDLERS, SOLICITORS, ITINERANT VENDORS, Sec. 9-152 through 9-161 proposing changes to licensing process and fees.

Be it ordained by the City Council of the City of Berlin, as follows:

That Sec. 9-152 through 9-161 are hereby amended as depicted below.

Sec. 9-152. License exceptions.

The following shall be exempt from the licensing requirements of this article but shall comply with the requirements and restrictions of this article as listed below:

- (A) Any non-profit organization, community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary or educational purposes when no part of the entities earnings benefit any private shareholder or individual.
- (B) Any person selling, at or on his or her own property or residence, the product of his or her own labor, the labor of his or her family or the product of his or her own farm or the one he or she operates
- (C) Any person conducting the sales of personal household goods at or on his or her own property or residence.

(Ord. of 4-6-98) (Ord. of 4-16-18)

Sec. 9-153. Definitions.

The following definition shall be added:

Hosting Entity/Organization. An entity/organization that hosts an event within the City limits. These entity/organizations shall be an established nonprofit/charitable organization under Section 501 (c) of the Internal Revenue Code. Under this section, hosting entity/organizations shall be responsible in ensuring that all applicable vendors that participate in an event adhere to RSA 320: Hawkers and Peddlers. Any vendor that is covered under such license must be located within the official grounds/limits of the event.

(Ord. of 4-16-18)

Sec. 9-154. Application process.

The license required by this article shall be issued by the city clerk. The application for a peddler/vendor license shall include the following:

- (a) All individual license applications must be accompanied by a valid New Hampshire Hawkers/Peddlers or Itinerant Vendors License and/or board of health license when applicable.
 - (b) ~~All persons and their agents, shall be required to apply for and receive a separate license.~~ A receipt for such local license fee, when paid, shall be endorsed by the city clerk, or designee, on the back of such state license, and a copy shall remain on file with the city clerk, or designee so long as such sale shall continue, or such goods be kept, offered or exposed for sale in such municipality.
 - (c) The name, home and business address of the applicant, and the name and address of owner, if other than the applicant, of the vending business, stand or motor vehicle to be used in the operation of the vending business.
 - (d) A description of the type of food, beverage or merchandise to be sold, ~~and in the case of products of farm or orchard, whether produced or grown by the applicant.~~
 - (e) A description of the proposed location of the vending business, except that vendors from motor vehicles shall describe the general area.
 - (f) Written consent of the property owner if the business activity is to be conducted on private property.
 - (g) Make, model, and license number of any vehicle to be used by applicant or their agents in the conduct of his business will be included.
 - (h) Identification. All applicants shall provide a driver's license or some other proof of identity as may be reasonably required.
- (Ord. of 4-6-98) (Ord. of 4-16-18)

Sec. 9-155. License fees.

Individual Licenses:

- (A) Annual License - One Hundred Dollars (\$100.00) per cart, stand or motor vehicle. This license will expire one year and one day after the date of issuance. If an additional cart, stand or motor vehicle is used for vending, an additional license is required.
- (B) Single Event License - A one (1) time use license shall be available for a fee of Twenty-Five Dollars (\$25.00). This license will be valid for the date requested only. If an additional cart, stand or motor vehicle is used for vending, an additional license is required.

Hosting Entity/Organization Licenses:

Hosting entity/organization licenses will be obtained through the City Clerk's office. Licenses that are issued shall be issued to the respective hosting entity/organization. All applications shall include all anticipated event dates and locations. If, during the term of the license, the hosting entity/organization intends to add an event to the existing license which triggers an additional fee per the fee structure below, a revised application shall be submitted and the additional fee shall be due to the City Clerk. Licensing fees for multiple events under one hosting entity will be as follows:

- (A) For a one (1) time event per year per host, the fee will be One Hundred Dollars (\$100.00).
- (B) For one (2) to three (3) events per year per host, the fee will be Two Hundred Fifty Dollars (\$250.00).
- (C) For four (4) to six (6) events per year per host, the fee will be Five Hundred Dollars (\$500.00).

(D) For seven (7) to ten (10) events per year per host, the fee will be Seven Hundred Fifty (\$750.00).

~~Under this section the license fee shall be one hundred dollars (\$100.00) per cart, stand or motor vehicle from which goods are sold. This license shall expire one year and one day after the date of issuance. Licenses are not transferrable and shall be issued only for a specific cart, stand or vehicle to be located at a specific location. An additional license shall be required for each additional cart, stand or vehicle or for any change in the location of the vending business.~~

~~(Ord. of 4-6-98) (Ord. of 4-16-18)~~

Sec. 9-159. Duty of solicitors.

Liability insurance: To hold a valid license, a direct seller selling or offering for sale goods from a pushcart, stand, table, container or other stationary apparatus located on the public way must have in force at all times general liability insurance. As evidence of the applicant's ability to comply with this condition of the license, the applicant shall furnish to the city a certificate of insurance evidencing the existence of general liability insurance with the city named as an additional insured. Insurance coverage required under this paragraph shall be at a minimum a combined single limit of one hundred thousand dollars (\$100,000.00) per occurrence.

Proof of License: All valid licenses shall be posted or displayed in a conspicuous location for ease of inspection.

(Ord. of 4-6-98) (Ord. of 4-16-18)

Sec. 9-160. Exemptions.

Intentionally left blank for future use.

~~The articles of this article shall apply to all vendors, hawkers, peddlers and transients doing business or conducting sales within the city except the following:~~

~~—— (A) Any person selling, at or on his or her own property or residence, the product of his or her own labor, the labor of his or her family or the product of his or her own farm or the one he or she tills.~~

~~—— (B) Any person conducting the sales of personal household goods at or on his or her own property or residence.~~

~~(Ord. of 4-6-98) (Ord. of 4-16-18)~~

Sec. 9-161. Violations.

Any person, firm or corporation, violating any provisions of this article shall be fined ~~up to but not exceeding~~ one hundred dollars (\$100.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

~~(Ord. of 4-6-98) (Ord. of 4-16-18)~~

This Ordinance shall be in full force and effect from and after passage.

PASSED: _____
Date

APPROVED: _____
Paul Grenier, Mayor

ATTEST: _____
Elaine Riendeau, City Clerk